

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FELIX DIAZ,

Plaintiff,

-against-

A&M TASTY SNACKS, INC., et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 03/11/2024

22-CV-07361 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

Plaintiff Felix Diaz filed this action on August 29, 2022, against Utz Quality Foods, Inc. and Utz Quality Foods, LLC. Dkt. No. 1. Plaintiff subsequently filed an Amended Complaint on December 29, 2022, against A&M Tasty Snacks, Inc., Ahmed Mohamed, and Medhat Elsherbiny. Dkt. No. 16. On February 22, 2023, the Court dismissed Utz Quality Foods, Inc. and Utz Quality Foods, LLC without prejudice as to all causes of action. Dkt. No. 18. On February 27, 2023, Plaintiff requested summonses as to A&M Tasty Snacks, Inc., Ahmed Mohamed, and Medhat Elsherbiny (Dkt. No. 20), which were issued the following day. Dkt. No. 21. Despite the passage of over a year, Plaintiff has not filed proof of service or otherwise taken any apparent steps in the intervening time to advance this action. On February 26, 2024, Plaintiff was notified that this matter had been reassigned to the undersigned. On February 29, 2024, the Court ordered Plaintiff to file a letter on ECF no later than March 8, 2024, updating the Court on the status of the case, in particular addressing the status of service on the remaining defendants. Dkt. No. 22. As of today's date, Plaintiff has not responded to the Court's February 29 Order, nor has he otherwise indicated that he intends to pursue this action.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if "the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order." Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Because the Court has not received any response from Plaintiff, including any indication that he intends to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to close this case.

Dated: March 11, 2024
New York, New York

SO ORDERED.



MARGARET M. GARNETT
United States District Judge